

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RHONDA BURNETT, JEROD BREIT, JEREMY
KEEL, HOLLEE ELLIS, and FRANCES HARVEY,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF REALTORS,
REALOGY HOLDINGS CORP., HOMESERVICES
OF AMERICA, INC., BHH AFFILIATES, LLC,
HSF AFFILIATES, LLC, RE/MAX LLC, and
KELLER WILLIAMS REALTY, INC.,

Defendants.

Case No. 4:19-cv-00332-SRB

CLASS ACTION

ORAL ARGUMENT REQUESTED

**THE HOMESERVICES DEFENDANTS' RENEWED MOTION FOR JUDGMENT AS A
MATTER OF LAW**

Under Rule 50(b) of the Federal Rules of Civil Procedure, and for the reasons explained in the accompanying brief, HomeServices of America, Inc. (“HomeServices”); BHH Affiliates, LLC (“BHH Affiliates”); and HSF Affiliates, LLC (“HSF Affiliates”) (collectively, the “HomeServices Defendants”) move for judgment as a matter of law. The HomeServices Defendants are entitled to judgment as a matter of law because Plaintiffs failed to produce evidence of any kind—direct or circumstantial—in support of their claim that the Defendants conspired to “follow and enforce” the Cooperative Compensation Rule. The HomeServices Defendants are further entitled to judgment as a matter of law because no Plaintiff ever transacted directly with any HomeServices Defendant, and Plaintiffs thus lack standing to bring their claim. Finally, the HomeServices Defendants are entitled to judgment as a matter of law because the expert testimony on which

Plaintiffs relied to prove impact and damages was inadmissible and failed to establish that the quantum of alleged damages could be proven on a class-wide basis.

The HomeServices Defendants are also entitled to judgment as a matter of law for the reasons set forth in the separate motions concurrently filed by Defendants The National Association of REALTORS® and Keller Williams Realty, Inc. The HomeServices Defendants fully join and incorporate by reference those Defendants' Rule 50(b) motions.

Dated: January 8, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 8, 2024, an electronic copy of the foregoing was filed with the Clerk of the Court by using the CM/ECF system and service upon all counsel of record will be accomplished by the CM/ECF system.

/s/ Robert D. MacGill
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